

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL VALLEY REGION

ORDER NO. \_\_\_\_\_

WASTE DISCHARGE REQUIREMENTS  
FOR  
CHEVRON USA, INCORPORATED  
FOR  
CLOSURE  
MIDWAY SOLID WASTE DISPOSAL SITE  
SAN LUIS OBISPO COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Board) finds that:

1. Chevron USA, Incorporated, a Pennsylvania Corporation (hereafter Discharger), owns and operates an industrial solid waste landfill about one-half mile west of the unincorporated community of Fellows, in Section 1, T32S, R22E, MDB&M, as shown in Attachment A, which is incorporated herein and made part of this Order.
2. The facility consists of one existing unlined waste management unit (Unit) covering 4.2 acres as shown in Attachment B, which is incorporated herein and made part of this Order. The facility is comprised of Assessor's Parcel Numbers (APN) 94-291-01.
3. On 17 April 1998, the Regional Board issued Order No. 98-091, which prescribes waste discharge requirements for the existing waste management unit. The facility is classified as a Class III waste disposal site for the discharge of industrial wastes in accordance with Title 27, California Code of Regulations (CCR), Section 20005, et seq. (Title 27).
4. The landfill ceased waste acceptance in 1999. This Order implements the provisions of the California Water Code and Title 27, and the revisions and policies adopted thereunder for the discharge of the wastes stated herein and for the closure and post-closure maintenance of the facility.

**SITE DESCRIPTION**

5. The waste management facility is in a dissected upland region west of the Taft Hydrologic Area of the San Joaquin Valley. Ground surface elevations range from 1,522 feet above mean sea level at the southern boundary of the facility and 1,507 feet above mean sea level at the northeastern facility boundary. The ground surface slopes approximately 150 feet per mile toward the northeast.
6. The waste management facility is located on continental deposits of the Tulare Formation. The soils underlying the unit are Kettleman Series soils consisting of interbedded sands, silts, and clays.

7. The measured hydraulic conductivity of the native soils underlying the Unit ranges between  $1.5 \times 10^{-3}$  and  $4.4 \times 10^{-5}$  cm/sec for interbedded sands; and between  $6.1 \times 10^{-6}$  and  $3.7 \times 10^{-6}$  cm/sec for silts and clays.
8. The closest Holocene fault is the San Andreas Fault located approximately 15 miles to the west of the facility. Recorded magnitudes of seismic events along this fault range between 4.0 and 8.25 on the Richter scale. The estimated peak horizontal acceleration for the site is 0.25g.
9. Land within 1,000 feet of the facility is used for marginal rangeland.
10. The facility receives an average of 5.6 inches of precipitation per year as measured at the Taft Station. The mean pan evaporation is 96 inches per year as measured at the KTKR radio station in Taft.
11. The 100-year, 24-hour precipitation event is estimated to be 2.25 inches, based on Department of Water Resources' bulletin entitled *Rainfall Depth-Duration-Frequency for California*, revised November 1982, updated August 1986.
12. The waste management facility is not within a 100-year flood plain based on the Federal Emergency Management Agency's (FEMA) Digital Q3 flood data.
13. There are no municipal, domestic, industrial, or agricultural groundwater supply wells within one mile of the site. No surface springs or other sources of groundwater supply have been observed.

#### **WASTE AND SITE CLASSIFICATION**

14. The Discharger discharges industrial solid wastes, which are defined in Title 27 CCR Section 20164. These wastes are classified as "nonhazardous solid wastes" or "inert wastes" using the criteria set forth in Title 27 for a Class III landfill. No municipal solid waste, or putrescible waste of any kind, has been discharged to the Unit.
15. The site characteristics where the Unit is located (see Finding No. 7) do not meet the siting criteria for a new Class III landfill contained in Title 27 CCR Sections 20260(a) and (b)(1). As such, the site is not suitable for operating new Units or lateral expansions of existing Units for the discharge and containment of Class III wastes as described in Finding No. 14, without the construction of additional waste containment features in accordance with Title 27 CCR Section 20260(b)(2) and State Water Resources Control Board Resolution No. 93-62.

### **SURFACE AND GROUND WATER CONDITIONS**

16. The *Water Quality Control Plan for the Tulare Lake Basin, Second Edition* (hereafter Basin Plan), designates beneficial uses, establishes water quality objectives, and contains implementation plans and policies for all waters of the Basin.
17. Surface drainage is toward Buena Vista Creek in the Taft Hydrologic Area (557.20) of the Tulare Lake Basin. Surface waters in the Taft Hydrologic Area are designated as Valley Floor Waters in the Basin Plan.
18. The designated beneficial uses of Valley Floor Waters, as specified in the Basin Plan, are agricultural supply, industrial service and process supply, water contact and non-contact water recreation, warm fresh water habitat, preservation of rare, threatened and endangered species, and groundwater recharge.
19. The first encountered subsurface fluid consists of oil and tar encountered about 328 feet below the native ground surface. Borehole data indicates that there is no groundwater present beneath the site within the upper 1,000 feet of sediments.
20. Groundwater samples from oil wells located 1.25 miles from the facility indicate that groundwater contains Total Dissolved Solids ranging from 3,588 to 8,836 parts per million with traces of petroleum hydrocarbons.
21. The designated beneficial uses of the groundwater, as specified in the Basin Plan, are domestic and municipal, agricultural, and industrial supply.

### **GROUNDWATER MONITORING**

22. Subchapter 3 of Chapter 3 of Title 27 requires the discharger to institute a detection monitoring program for each waste management unit. California Water Code Section 13269 authorizes the Regional Board to waive waste discharge requirements where such waiver is not against the public interest. Such waiver shall be unconditional and may be terminated at any time by the Regional Board. The Regional Board finds that it is not against the public interest to waive compliance with the Title 27 detection monitoring requirements at this facility because the first encountered subsurface fluid beneath the site consists of oil and tar and there is no groundwater present within the upper 1,000 feet of sediments beneath the site. (See Finding No. 19)

### **CONSTRUCTION AND ENGINEERED ALTERNATIVE**

23. Closure and post-closure maintenance requirements for landfills are contained in §21090 of Title 27. The prescriptive standard for the final cover is contained in §21090(a) of Title 27.
24. Section 20080(b) of Title 27 allows the Regional Board to consider the approval of an engineered alternative to the prescriptive standard. In order to approve an engineered alternative in accordance with §20080(c)(1) and (2), the Discharger must demonstrate that the prescriptive design is unreasonably and unnecessarily burdensome and will cost substantially more than an alternative which will meet the criteria contained in §20080(b), or would be impractical and would not promote attainment of applicable performance standards. The Discharger must also demonstrate that the proposed engineered alternative cover system is consistent with the performance goal addressed by the particular prescriptive standard, and provides protection against water quality impairment equivalent to the prescriptive standard in accordance with §20080(b)(2) of Title 27.
25. Section 13360(a)(1) of the California Water Code allows the Regional Board to specify the design, type of construction, and/or particular manner in which compliance must be met in waste discharge requirements or orders for the discharge of waste at solid waste disposal facilities.
26. The Discharger submitted a design plan for the proposed closure of the Midway Solid Waste Disposal Site in a Final Closure Plan dated August 2003. The Final Closure and Post-Closure Maintenance Plans were determined to be adequate in a letter from the Regional Board dated 26 September 2004. The plan proposed the construction of an engineered alternative in lieu of the prescriptive cover design specified in §21090(a) of Title 27. The proposed engineered alternative is an evapo-transpirative design consisting of a four-foot thick vegetated soil layer.
27. The Discharger will submit the final construction and design plans for the final cover, and the Construction Quality Assurance Plan, for review and approval of the Executive Officer prior to construction of the final cover.
28. The Discharger adequately demonstrated that construction of a Title 27 prescriptive standard cover would be unreasonable and unnecessarily burdensome when compared to the proposed engineered alternative design. There is no clay source on-site or nearby and the cost of importing clay from off-site or mixing on-site soils with bentonite would cost substantially more than the alternative design. The Discharger will further demonstrate that the proposed engineered alternative is consistent with the performance goals of the prescriptive standard and affords equivalent protection against water quality impairment through a test period of at least five years during which the performance of the final cover will be monitored.

29. Construction will proceed only after all applicable construction quality assurance plans have been approved by Executive Officer.

### **CEQA AND OTHER CONSIDERATIONS**

30. The action to revise waste discharge requirements for this existing facility is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resource Code Section 21000, et seq., and the CEQA guidelines, in accordance with Title 14 CCR, Section 15301.
31. This order implements:
- a. The Water Quality Control Plan for the Tulare Lake Basin, Second Edition;
  - b. The prescriptive standards and performance goals of Chapters 1 through 7, Subdivision 1, Division 2, Title 27, of the California Code of Regulations, effective 18 July 1997, and subsequent revisions;
32. Section 13267(b) of California Water Code provides that: "In conducting an investigation specified in subdivision (a), the Regional Board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposed to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who had discharged, discharges, or is suspected of discharging, or who proposed to discharge waste outside of its region that could affect the quality of the waters of the state within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the board requires. The burden, including costs of these reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The monitoring and reporting program required by this Order and the attached "Monitoring and Reporting Program No. \_\_\_\_" are necessary to assure compliance with these waste discharge requirements. The Discharger operates the facility that discharges the waste subject to this Order.

### **PROCEDURAL REQUIREMENTS**

33. All local agencies with jurisdiction to regulate land use, solid waste disposal, air pollution, and to protect public health have approved the use of this site for the discharges of waste to land stated herein.
34. The Regional Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge, and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

WASTE DISCHARGE REQUIREMENTS ORDER NO. \_\_\_\_\_  
CHEVRON USA, INC.  
FOR CLOSURE AND POST CLOSURE MAINTENANCE  
MIDWAY SOLID WASTE DISPOSAL SITE  
SAN LUIS OBISPO COUNTY

-6-

35. The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.
36. Any person affected by this action of the Regional Board may petition the State Water Resources Control Board to review the action in accordance with Sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Resources Control Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812, within 30 days of the date of issuance of this Order. Copies of the laws and regulations applicable to the filing of a petition are available on the Internet at [http://www.waterboards.ca.gov/water\\_laws/index.html](http://www.waterboards.ca.gov/water_laws/index.html) and will be provided on request.

IT IS HEREBY ORDERED, pursuant to Sections 13263 and 13267 of the California Water Code, that Order No. 98-091 is rescinded, and that Chevron USA, Incorporated, its agents, successors, and assigns, in order to meet the provisions of Division 7 of the California Water Code and the regulations adopted thereunder, shall comply with the following:

**A. PROHIBITIONS**

1. The discharge of any additional waste at this facility is prohibited.
2. The discharge shall not cause the release of pollutants, or waste constituents in a manner which could cause a condition of nuisance, degradation, contamination, or pollution of groundwater to occur, as indicated by the most appropriate statistical or nonstatistical data analysis method and retest method listed in this Order, the Monitoring and Reporting Program, or the Standard Provisions and Reporting Requirements.
3. The discharge of solid or liquid waste or leachate to surface waters, surface water drainage courses, or groundwater is prohibited.
4. The discharge shall not cause any increase in the concentration of waste constituents in soil-pore gas, soil-pore liquid, soil, or other geologic materials outside of the Unit if such waste constituents could migrate to waters of the State — in either the liquid or the gaseous phase — and cause a condition of nuisance, degradation, contamination, or pollution.

**B. FACILITY SPECIFICATIONS**

1. The Discharger shall, in a timely manner, remove and relocate any wastes discharged at this facility in violation of this Order.
2. The Discharger shall immediately notify the Regional Board of any flooding, unpermitted discharge of waste off-site, equipment failure, slope failure, or other change

in site conditions which could impair the integrity of waste or leachate containment facilities or precipitation and drainage control structures.

3. Water used for facility maintenance shall be limited to the minimum amount necessary for dust control, and construction.
4. The Discharger shall maintain in good working order any facility, control system, or monitoring device installed to achieve compliance with the waste discharge requirements.
5. Methane and other landfill gases shall be adequately vented, removed from the Unit, or otherwise controlled to prevent the danger of adverse health effects, nuisance conditions, or the impairment of the beneficial uses of surface water or groundwater due to migration through the unsaturated zone.
6. Surface drainage within the waste management facility shall either be contained on-site or be discharged in accordance with applicable storm water regulations.
7. The Discharger shall maintain a *Storm Water Pollution Prevention Plan and Monitoring Program and Reporting Requirements* in accordance with State Water Resources Control Board Order No. 97-03-DWQ, or retain all storm water on-site.

### C. CONSTRUCTION SPECIFICATIONS

1. The Discharger shall submit for Executive Officer review and approval **prior to** construction, design plans and specifications for a cover system that includes a Construction Quality Assurance Plan meeting the requirements of §20324 of Title 27.
2. The cover system shall be constructed with an engineered alternative design known as an evapo-transpirative or monolithic design. The cover shall consist of a four-foot thick vegetated soil layer placed over the existing interim cover soil. The soil layer shall be placed in such a manner that vegetative growth is assured while structural integrity is maintained.
3. A pan lysimeter shall be constructed on the upper deck of the Unit beneath the vegetated soil layer to monitor the effectiveness of the final cover.
4. The Discharger may propose changes to the cover system design prior to construction, provided that approved components are not eliminated, the engineering properties of the components are not substantially reduced, and the proposed cover system results in the protection of water quality equal to or greater than the design prescribed by Title 27 and this Order. The proposed changes may be made following approval by the Executive

Officer. Substantive changes to the design require reevaluation as an engineered alternative and approval by the Regional Board.

5. Construction shall proceed only after all applicable construction quality assurance plans have been approved by Executive Officer.
6. Construction of the final cover shall be completed by 31 December 2005.
7. Following the completion of construction of the final cover, and prior to 31 March 2006, the final documentation required in Title 27 CCR Section 20324(d)(1)(C) shall be submitted to the Executive Officer for review and approval. The report shall be certified by a registered civil engineer or a certified engineering geologist. It shall contain sufficient information and test results to verify that construction was in accordance with the design plans and specifications, and with the prescriptive standards and performance goals of Title 27.
8. A third party independent of both the Discharger and the construction contractor shall perform all of the construction quality assurance monitoring and testing during the construction of a liner system.

#### **D. MONITORING REQUIREMENTS**

1. The Discharger shall comply with Monitoring and Reporting Program No. \_\_\_\_, which is incorporated into and made part of this Order.
2. The Discharger shall monitor the final cover in accordance with the Post-Closure Maintenance Plan and the Monitoring and Reporting Program.
3. Monitoring of the final cover shall include inspecting and recording the volume of moisture collected by the pan lysimeter.

#### **E. PROVISIONS**

1. The Discharger shall maintain a copy of this Order and make it available at all times to facility operating personnel, who shall be familiar with its contents, and to regulatory agency personnel.
2. The Discharger shall comply with all applicable provisions of Title 27 that are not specifically referred to in this Order.
3. The Discharger shall comply with the applicable portions of the Standard Provisions and Reporting Requirements for Waste Discharge Requirements for Nonhazardous Solid



WASTE DISCHARGE REQUIREMENTS ORDER NO. \_\_\_\_  
CHEVRON USA, INC.  
FOR CLOSURE AND POST CLOSURE MAINTENANCE  
MIDWAY SOLID WASTE DISPOSAL SITE  
SAN LUIS OBISPO COUNTY

-9-

Waste Discharges Regulated by Title 27 (Title 27 CCR Section 20005 et seq.), dated April 2000, which are hereby incorporated into this Order.

4. In the event the Discharger does not comply or will be unable to comply with any prohibition or limitation of this Order for any reason, the Discharger shall notify the appropriate Regional Board office by telephone **as soon as** it or its agents have knowledge of such noncompliance or potential for noncompliance, and shall confirm this notification in writing **within two weeks**. The written notification shall state the nature, time, and cause of noncompliance, and shall describe the measures being taken to prevent recurrences and shall include a timetable for corrective actions.
5. All reports and transmittal letters shall be signed by persons identified below:
  - a. For a corporation: by a principal executive officer of at least the level of senior vice-president.
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor.
  - c. For a municipality, state, federal or other public agency: by either a principal executive officer or ranking elected or appointed official.
  - d. A duly authorized representative of a person designated in a, b or c above if;
    - 1) The authorization is made in writing by a person described in a, b, or c of this provision;
    - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a Unit, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
    - 3) The written authorization is submitted to the Regional Board.
  - e. Any person signing a document under this Section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

WASTE DISCHARGE REQUIREMENTS ORDER NO. \_\_\_\_\_  
CHEVRON USA, INC.  
FOR CLOSURE AND POST CLOSURE MAINTENANCE  
MIDWAY SOLID WASTE DISPOSAL SITE  
SAN LUIS OBISPO COUNTY

-10-

6. The Discharger shall take all reasonable steps to minimize any adverse impact to the waters of the State resulting from noncompliance with this Order. Such steps shall include accelerated or additional monitoring as necessary to determine the nature, extent, and impact of the noncompliance.
7. The owner of the waste management facility shall have the continuing responsibility to assure protection of waters of the state from discharged wastes and from gases and leachate generated by discharged waste during the closure and postclosure maintenance period of the Unit(s) and during subsequent use of the property for other purposes.
8. The fact that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order shall not be regarded as a defense for the Discharger's violations of the Order.
9. To assume ownership or operation under this Order, the succeeding owner or operator must apply in writing to the Regional Board requesting transfer of the Order within 14 days of assuming ownership or operation of this facility. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, the name and address and telephone number of the persons responsible for contact with the Regional Board, and a statement. The statement shall comply with the signatory requirements contained in Provision E.5. and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code. Transfer of this Order shall be approved or disapproved by the Regional Board.
10. The Discharger shall establish cost estimates for initiating and completing corrective action for all known or reasonably foreseeable releases from the landfill, and submit these estimates to the Executive Officer for review and approval.
11. The Discharger shall obtain and maintain assurances of financial responsibility for initiating and completing corrective action for all known or reasonably foreseeable releases from the landfill in an amount approved by the Executive Officer, and shall submit the financial assurance mechanism to the Financial Assurances Section of the California Integrated Waste Management Board.
12. The Discharger is required to maintain financial assurance mechanisms for closure and post-closure maintenance costs as specified in Chapter 6 of Title 27. The Discharger is required to submit the financial assurance mechanism to the Financial Assurances Section of the California Integrated Waste Management Board, which determines if the mechanism meets the requirements of Chapter 6, Title 27, and if the amount of coverage is adequate.

WASTE DISCHARGE REQUIREMENTS ORDER NO. \_\_\_\_  
CHEVRON USA, INC.  
FOR CLOSURE AND POST CLOSURE MAINTENANCE  
MIDWAY SOLID WASTE DISPOSAL SITE  
SAN LUIS OBISPO COUNTY

-11-

13. The Discharger shall complete the tasks contained in these waste discharge requirements in accordance with the following time schedule:

| <u>Task</u>   | <u>Compliance Date</u>       |
|---|------------------------------|
| a. Construction Plans   |                              |
| Submit construction and design plans for Executive Officer review and approval.<br>(see Construction Specification C.1)   | <b>Prior to construction</b> |
| b. Construction of Final Cover  |                              |
| Complete construction of the final cover.<br>(see Construction Specification C.6)   | <b>31 December 2005</b>      |
| c. Construction Report  |                              |
| Submit a construction report upon completion demonstrating construction was in accordance with approved construction plans for Executive Officer review and approval.<br>(see Construction Specification C.7) | <b>31 March 2006</b>         |
| d. Financial Assurance Review   |                              |
| 1) Annual Review of Financial Assurance for initiating and completing corrective action<br>(see Provision E.11.)  | <b>30 April each year</b>    |
| 2) Annual Review of Financial Assurance for closure and post-closure maintenance<br>(see Provision E.12.)   | <b>30 April each year</b>    |

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provision of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on \_\_\_\_\_.

WASTE DISCHARGE REQUIREMENTS ORDER NO.\_\_\_\_  
CHEVRON USA, INC.  
FOR CLOSURE AND POST CLOSURE MAINTENANCE  
MIDWAY SOLID WASTE DISPOSAL SITE  
SAN LUIS OBISPO COUNTY

-12-

REH:reh/rac:5/25/2005

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THOMAS R. PINKOS, Executive Officer